

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

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|--------------------------------------|---|--------------------------|
| IN RE: |) | |
| Philip George Roth |) | |
| Gail Christine Roth |) | |
| Debtors |) | |
| |) | |
| |) | |
| AmeriCredit Financial Services, Inc. |) | |
| |) | |
| Appellant, |) | |
| |) | |
| v. |) | CAUSE NO. 1:07-CV-135-TS |
| |) | |
| Philip George Roth |) | |
| Gail Christine Roth |) | |
| |) | |
| Defendant. |) | |

OPINION and ORDER

This case is on appeal from the United States Bankruptcy Court for the Northern District of Indiana. Appellant AmeriCredit Financial Services, Inc., appeals the Bankruptcy Court's confirmation of the chapter 13 plan of debtors Philip George Roth and Gail Christine Roth.

On June 28, 2007, the Court, on motion of the parties [DE 5], stayed the proceedings until the Seventh Circuit decided *In re Wright*, 492 F.3d 829 (7th Cir. 2007). That case held that a debtor may not surrender a "910" vehicle in full satisfaction of a creditor's claim. *Id.* at 832. That decision is contrary to the decision of the Bankruptcy Court on the same issue in this case. The Bankruptcy Court, following the large majority of decisions, held that a debtor may surrender the collateral of a 910 car to a creditor in full satisfaction of the creditor's claim. (DE 3-2, at 3).

Because the Seventh Circuit's subsequent decision is binding on this Court and on the

Bankruptcy Court, this case must be REVERSED and REMANDED to the Bankruptcy Court for further proceedings in accordance with *In re Wright*.

SO ORDERED on October 25, 2007.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT